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14
15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 TALCOTT RESOLUTION LIFE AND
18 ANNUITY COMPANY

19 Plaintiff

20 v.

21 ESTATE OF JILL COTE, JESSICA
22 SHEARER, JOIANNE MADRID AND
23 DAVID COTE

24 Defendants.

25 Case No.: **2:18-cv-01688**

26 **STIPULATION TO WITHDRAW**
27 **DAVID COTE'S MOTION TO**
28 **DISMISS FILED NOVEMBER 7, 2018**

29 Defendant David Cote, Defendant Jessica Shearer, and Plaintiff Talcott Resolution Life and
30 Annuity Company (collectively the “Parties”), by and through their counsel undersigned, hereby
31 stipulate and agree that:

32 1. Based on the entry of a Stipulation and Order in the Nevada State Court Case No. P-17-
33 092970-E between David Cote, Jessica Shearer, and the Estate of Jill Cote, David Cote
34 hereby withdraws his Motion to Dismiss Talcott Resolution’s Complaint in Interpleader
35 (“Motion to Dismiss”) as moot, which Motion to Dismiss was filed November 7, 2018.
36 2. The Parties agree that the parties shall bear their own attorney’s fees related to any
37 briefing specific to the Motion to Dismiss; Nothing in this paragraph is intended to limit
38 Talcott’s ability to seek its fees relating to the interpleader.

3. The Parties agree that David Cote shall file an answer and any cross claims or counterclaims to Talcott Resolution's Complaint in Interpleader on or before January 10, 2019.

RESPECTFULLY SUBMITTED this 9th day of January 2019.

ANTHONY L. BARNEY, LTD.

By: /s/Zachary D. Holyoak

Anthony L. Barney

Tiffany S. Barney

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OGLETREE, DEAKINS, NASH,
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By: s/Kristina N. Holmstrom

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JOHNSON & GUBLER, P.C.

By: /s/Russell G. Gubler

Russell G. Gubler

Lakes Business Park

8831 W. Sahara Avenue

Las Vegas, Nevada 89117

Attorney for Jessica Shearer

IT IS SO ORDERED:

Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT COURT

DATED this 10 day of January, 2019.

CERTIFICATE OF SERVICE

Pursuant to FRCP 5, I certify that I am an employee of Anthony L. Barney, Ltd., and that on the 9th day of January 2019, I caused the foregoing document entitled STIPULATION TO WITHDRAW DAVID COTE'S MOTION TO DISMISS FILED NOVEMBER 7, 2018 to be served by electronic transmission through the CM/ECF system of the United States District Court in the District of Nevada to the following parties:

Kristina N. Holmstrom Esq., Ogletree Deakins Nash Smoak & Stewart, P.C.,
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Attorney for Jessica Shearer, individually

/s/Zachary D. Holyoak, Esq.
Employee of Anthony L. Barney, Ltd.